

PARKE CIRCUIT COURT LOCAL RULES

LOCAL RULE 1

FILING OF PLEADINGS AND ENTRY OF APPEARANCE

- 1.1 ~~ALL CIVIL ACTIONS ARE FILED WITH THE CLERK OF THE PARKE CIRCUIT COURT. ALL PLEADINGS ARE TO BE IN COMPLIANCE WITH PARAGRAPHS 1.2 - 1.7.~~
- 1.2 ~~ALL PLEADINGS SHALL BE ON 8½ X 11 INCH PAPER, WITH FORMAL HEADINGS.~~
- 1.3 ~~ATTORNEYS SHALL ENTER A WRITTEN APPEARANCE FOR THEIR CLIENT WHICH SHALL CONFORM TO THE FORMAT APPROVED BY THE DIVISION OF STATE COURT ADMINISTRATION, A COPY OF WHICH MAY BE OBTAINED FROM THE PARKE CIRCUIT COURT.~~
- 1.4 ~~NEITHER TYPEWRITTEN SIGNATURES, NOR STAMPED SIGNATURES SHALL BE ACCEPTED ON ORIGINAL DOCUMENTS. FACSIMILE SIGNATURES ARE PERMITTED ON COPIES. ALL DOCUMENTS SHALL CONTAIN THE WRITTEN SIGNATURE OF THE INDIVIDUAL ATTORNEY, THE PRINTED SIGNATURE, FIRM NAME (WHERE APPLICABLE), ADDRESS, TELEPHONE NUMBER, AND A DESIGNATION AS TO THE PARTY REPRESENTED.~~
- 1.5 PURSUANT TO TRIAL RULE 5(B)(1)(D), THE CIRCUIT COURT HEREBY DESIGNATES THE "MAIL BOXES" LOCATED IN THE JUDGE'S OFFICE AS A SUITABLE PLACE FOR SERVICE OF PLEADINGS UPON ATTORNEYS WHO HAVE SUCH BOXES.
- 1.6 ~~IF A PLEADING REQUIRES A CERTIFICATE OF SERVICE, THE CERTIFICATE SHALL SPECIFICALLY NAME THE INDIVIDUAL PARTY OR ATTORNEY ON WHOM SERVICE HAS BEEN MADE, THE ADDRESS, IN WHAT MANNER THE SERVICE WAS MADE, AND THE DATE UPON WHICH SERVICE WAS MADE.~~
- 1.7 ~~COURT PERSONNEL SHALL NOT BE RESPONSIBLE FOR THE FILING OF PLEADINGS BY MAIL, EXCEPT CERTIFIED OR REGISTERED. IF THE DOCUMENTS RECEIVED BY MAIL ARE NOT IN PROPER FORM AS SET FORTH BY THE INDIANA RULES OF PROCEDURE AND THESE~~

~~RULES OF COURT, SUCH DOCUMENTS WILL BE SHOWN AS RECEIVED BUT THE DEFICIENCIES WILL NOT BE CORRECTED BY COURT PERSONNEL AND NO FURTHER PROCESSING OF THE DOCUMENTS BY THE COURT WILL TAKE PLACE. HOWEVER, WHENEVER POSSIBLE, COURT PERSONNEL WILL NOTIFY COUNSEL OF RECORD OF DEFICIENCIES IN FILINGS.~~

- 1.8 ~~CLERK'S OFFICE AND COURT OFFICE PERSONNEL ARE TO FILE MARK ALL PLEADINGS THAT ARE FILED IN THE CLERK'S OFFICE. ATTORNEYS AND SECRETARIES ARE NOT TO BE ALLOWED TO FILE MARK ANY PLEADINGS FILED.~~

LOCAL RULE 2
PROPOSED ORDERS

- 2.1 No motion or petition or other request for relief shall be filed without a proposed order. Opposing counsel are further requested, where possible, to submit to the court proposed alternative orders.
- 2.2 All proposed orders shall meet the following requirements:
- Contain a distribution list of all attorneys and/or pro se litigants with full addresses.
 - Sufficient number of copies of such proposed order as follows: original for court, one copy for each attorney and/or pro se litigant, with envelopes appropriately addressed and postage pre-paid where necessary.
- 2.3 ~~Any dissolutions or marriages heard by the court will not be granted until a prepared order is presented to the court by the parties. On contested dissolutions the court would appreciate a proposed decree from each party.~~

LOCAL RULE 3
TRIAL SETTINGS

3.1 ALL REQUESTS FOR TRIAL SETTINGS OR OTHER EVIDENTIARY HEARINGS SHALL BE FILED AND SHALL CONTAIN THE FOLLOWING INFORMATION:

- A) TYPE OF TRIAL OR HEARING (I.E. JURY TRIAL, BENCH TRIAL, FINAL HEARING, FACT FINDING HEARING)
- B) AN HONEST, GOOD FAITH ESTIMATE (AFTER CONSULTATION WITH THE OPPOSING PARTY/PARTIES) OF THE COURT TIME NEEDED FOR THE TRIAL OR HEARING.

3.2 ~~EACH REQUEST SHALL BE ACCCOMPANIED BY A PROPOSED WRITTEN ORDER WITH APPROPRIATE BLANKS FOR DATE AND TIME.~~

3.3 ~~ALL CALENDAR SCHEDULING (HEARINGS, TRIALS, PRE-TRIAL CONFERENCES, ETC.) WILL BE SUBJECT TO BEING BUMPED BY A CRIMINAL JURY SETTING WHICH WILL TAKE PRIORITY BECAUSE OF CRIMINAL RULE 4 AND SPEEDY TRIAL MOTIONS. IN ADDITION, SOME CIVIL JURY TRIAL DATES WILL BE SCHEDULED WHICH, IF THEY GO, WILL RESULT IN SOME RESCHEDULING OF OTHER HEARINGS. THIS POSSIBLE INCONVENIENCE IS NECESSARY IN ORDER TO BEST ACCOMODATE A BUSY CALENDAR.~~

LOCAL RULE 4
CONTINUANCES

- 4.1 ~~ALL MOTIONS FOR CONTINUANCE SHALL BE IN WRITING AND ACCOMPANIED BY A PROPOSED ORDER IN CONFORMITY WITH PARKE CIRCUIT COURT LOCAL RULE 3,~~
- 4.2 ~~WHEN AN ATTORNEY ENTERS HIS APPEARANCE, IT IS THE ATTORNEY'S RESPONSIBILITY TO REVIEW THE FILE AND BECOME AWARE OF ALL PREVIOUSLY SCHEDULED HEARING DATES.~~
- 4.3 ~~NO MOTIONS FOR CONTINUANCE, INCLUDING AGREED MOTIONS, WILL BE CONSIDERED UNLESS FILED AT LEAST FIVE (5) DAYS, EXCLUDING WEEKENDS AND HOLIDAYS, BEFORE A COURT TRIAL OR HEARING, UNLESS GOOD CAUSE SHOWN, AND AT LEAST TEN (10) DAYS BEFORE A JURY TRIAL, UNLESS GOOD CAUSE SHOWN.~~
- 4.4 MOTIONS FOR CONTINUANCE SHALL INCLUDE THE FOLLOWING INFORMATION:
- A) THE SPECIFIC REASON FOR THE CONTINUANCE
 - B) WHETHER PRIOR CONTINUANCES HAVE BEEN REQUESTED BY THE MOVING PARTY
 - C) WHETHER OR NOT OPPOSING COUNSEL HAS BEEN ADVISED THAT A CONTINUANCE WILL BE REQUESTED
 - D) THE DATE AND TIME OF THE HEARING OR TRIAL FOR WHICH A CONTINUANCE IS BEING SOUGHT
 - E) THE APPROXIMATE AMOUNT OF TIME NEEDED TO ELAPSE BEFORE THE MATTER CAN BE HEARD OR TRIED
 - F) A GOOD FAITH ESTIMATE OF THE AMOUNT OF TIME NEEDED FOR SUCH HEARING OR TRIAL,

4.5 ~~SIGNATURES BY AN ATTORNEY ON THE REQUEST FOR CONTINUANCE~~
~~IS CERTIFICATION BY THAT ATTORNEY THAT THE CLIENT HAS~~
~~BEEN NOTIFIED OF THE REQUEST, AGREES TO THE CONTINUANCE,~~
~~AND TO THE SPECIFIC REASON FOR WHICH THE CONTINUANCE~~
~~IS SOUGHT.~~

LOCAL RULE 5
FAX TRANSMISSION

- 5.1 THE PARKE CIRCUIT COURT WILL ACCEPT PLEADINGS BY FAX SO LONG AS FAX TRANSMISSION INCLUDES THE FAX SOURCE. THE CLERK SHALL FILE MARK SAID PLEADINGS ON THE DATE OF RECEIPT. THE PARTY TRANSMITTING PLEADINGS BY FAX MUST DELIVER A COPY OR FORWARD A COPY OF SAID PLEADING TO THE CLERK WITHIN FIVE (5) DAYS BY REGULAR MAIL. THE MAILED PLEADING MUST INCLUDE THE ORIGINAL SIGNATURE OF TRANSMITTING COUNSEL.
- 5.2 FAILURE TO DELIVER THE SIGNED COPY OF THE FAX ORIGINAL WITHIN FIVE (5) DAYS SHALL MAKE SUCH PLEADING SUBJECT TO A MOTION TO STRIKE.

LOCAL RULE 6
BRIEFS/MEMORANDA

6.1 ~~AUTHORITIES RELIED UPON SHALL BE ATTACHED TO COUNSEL'S BRIEF. IF THE AUTHORITY IS CITED FOR THE FIRST TIME IN ORAL ARGUMENT, A COPY OF THE AUTHORITY MAY BE PROVIDED TO THE COURT AT THE TIME OF THE ARGUMENT. SUFFICIENT COPIES SHALL BE AVAILABLE TO PROVIDE COUNSEL FOR EACH PARTY WITH A COPY.~~

~~LOCAL RULE 7~~
~~DOMESTIC MATTERS~~

- ~~7.1 UPON THE FILING OF A DISSOLUTION PETITION, THE COURT WILL TRIGGER REVIEW OF THE FILE IN NINETY (90) DAYS, IF NO ACTION HAS OCCURRED IN THAT PERIOD OF TIME, AND BOTH PARTIES ARE REPRESENTED BY COUNSEL, A CONFERENCE OF ATTORNEYS WILL BE SCHEDULED BY THE COURT, OTHERWISE, THE CAUSE WILL BE SET FOR A TRIAL RULE 41(E) HEARING.~~
- ~~7.2 THE COURT WILL RECOGNIZE WAIVERS OF FINAL HEARINGS, UNLESS NEITHER PARTY IS REPRESENTED BY COUNSEL, IN PRO SE DIVORCES, A FINAL HEARING WILL BE NECESSARY AND PRO SE LITIGANTS ARE TO MEET ALL PROCEDURAL AND LEGAL REQUIREMENTS.~~
- ~~7.3 IN ALL CONTESTED MATTERS INVOLVING CHILD CUSTODY, THE COURT MAY ON ITS OWN MOTION ASSIGN CAUSE FOR MEDIATION OR EVALUATION. THE COURT WILL ALSO APPOINT A CASA/GAL IF DEEMED APPROPRIATE. IN EXTREME CASES, WHERE THE WELFARE AND SAFETY OF THE CHILD(REN) IS THREATENED, THE COURT WILL HAVE THE CHILD(REN) REMOVED FROM THE HOME, AND ORDER THE FILING OF A CHINS PETITION. THE COSTS OF ALL SERVICES ORDERED ON BEHALF OF THE CHILD(REN) WILL BE SHARED PROPORTIONATELY BY THE PARTIES BASED ON THEIR INCOMES AND ASSETS.~~
- ~~7.4 THE COURT WILL ISSUE TEMPORARY RESTRAINING ORDERS, EX-PARTE, UPON APPLICATION BY ONE OF THE PARTIES, ONLY FOR THE PURPOSE OF RESTRAINING BOTH PARTIES FROM DISPOSING OF, SELLING, REMOVING, OR ENCUMBERING MARITAL PROPERTY, OR CASHING IN OR CHANGING THE BENEFICIARY ON ANY LIFE INSURANCE POLICY, IRA ACCOUNT, PENSION OR PROFIT SHARING FUND, OR ANY OTHER RETIREMENT PLAN, AND TO REFRAIN FROM INTERFERING WITH OR HARMING THE OTHER.~~

LOCAL RULE 8
WITHDRAWAL OF APPEARANCE

- 8.1 ALL WITHDRAWALS OF APPEARANCE SHALL BE IN WRITING AND BY LEAVE OF COURT. PERMISSION TO WITHDRAW SHALL BE GIVEN ONLY AFTER THE WITHDRAWING ATTORNEY HAS GIVEN HIS CLIENT ~~TEN (10) DAYS~~ WRITTEN NOTICE OF HIS INTENTION TO WITHDRAW AND HAS FILED A COPY OF SUCH WITH THE COURT, OR UPON A SIMULTANEOUS ENTERING OF APPEARANCE BY NEW COUNSEL FOR SAID CLIENT. ~~THE LETTER OF WITHDRAWAL SHALL EXPLAIN TO THE CLIENT THAT FAILURE TO SECURE NEW COUNSEL MAY RESULT IN DISMISSAL OF THE CLIENT'S CASE OR A DEFAULT JUDGMENT MAY BE ENTERED AGAINST HIM, WHICHEVER IS APPROPRIATE, AND OTHER PERTINENT INFORMATION SUCH AS TRIAL SETTING DATE OR ANY OTHER HEARING DATE.~~ THE COURT WILL NOT GRANT A REQUEST FOR WITHDRAWAL OF APPEARANCE UNLESS ~~THE SAME HAS BEEN FILED WITH THE COURT AT LEAST TEN (10) DAYS PRIOR TO TRIAL DATE, EXCEPT FOR GOOD CAUSE SHOWN,~~

LOCAL RULE 9
ATTORNEY'S FEES

9.1 ~~NO ORDER GRANTING A REQUEST OR PRAYER FOR ATTORNEY FEES SHALL BE MADE UNLESS SUCH FEES ARE ALLOWABLE UNDER APPLICABLE LAW AND THERE HAS BEEN EVIDENCE FURNISHED BY TESTIMONY OF AN ATTORNEY, IF THE APPLICATION FOR FEES IS CONTESTED, OR BY AFFIDAVIT OF AN ATTORNEY, IF THE APPLICATION IS UNCONTESTED. SUCH TESTIMONY OR AFFIDAVIT SHALL DESCRIBE THE SERVICES RENDERED AND ESTABLISH TO THE COURT'S SATISFACTION THE AMOUNT OF TIME EXPENDED (OR TO BE EXPENDED) IN THE MATTER, THE FACT THAT SUCH SERVICES AND TIME WERE OR ARE REASONABLY NECESSARY CONSIDERING THE NATURE AND COMPLEXITY OF THE MATTER, THE EXPERIENCE OR EXPERTISE OF THE ATTORNEY SEEKING AN AWARD, THE USUAL AND CUSTOMARY CHARGES, AND THE REASONABILITY OF THE FEES SOUGHT.~~

LOCAL RULE 10

- 10.1 ~~ALL CRIMINAL MISDEMEANOR AND FELONY CASES ARE FIRST APPROVED AS TO PROBABLE CAUSE BEFORE THE JUDGE OF THE PARKE CIRCUIT COURT PRIOR TO FILING OF THE CASES IN THE CLERK OF THE PARKE CIRCUIT COURT OFFICE. ONCE APPROVED AS TO PROBABLE CAUSE ALL CRIMINAL CASES ARE FILED WITH THE CLERK OF THE PARKE CIRCUIT COURT. ALL INFRACTIONS ARE TO BE FILED WITH THE CLERK OF THE PARKE CIRCUIT COURT.~~
- 10.2 ~~ALL PLEADINGS SHALL BE ON 8½ X 11 INCH PAPER, WITH FORMAL HEADINGS.~~
- 10.3 ~~ATTORNEYS SHALL ENTER A WRITTEN APPEARANCE FOR THEIR CLIENT WHICH SHALL CONFORM TO THE FORMAT APPROVED BY THE DIVISION OF STATE COURT ADMINISTRATION, A COPY OF WHICH MAY BE OBTAINED FROM THE PARKE CIRCUIT COURT.~~
- 10.4 ~~NEITHER TYPEWRITTEN SIGNATURES, NOR STAMPED SIGNATURES SHALL BE ACCEPTED ON ORIGINAL DOCUMENTS. FACSIMILE SIGNATURES ARE PERMITTED ON COPIES. ALL DOCUMENTS SHALL CONTAIN THE WRITTEN SIGNATURE OF THE INDIVIDUAL ATTORNEY, THE PRINTED SIGNATURE, FIRM NAME (WHERE APPLICABLE), ADDRESS, TELEPHONE NUMBER, AND A DESIGNATION AS TO THE PARTY REPRESENTED.~~
- 10.5 ~~PURSUANT TO TRIAL RULE 5(B)(1)(D), THE CIRCUIT COURT HEREBY DESIGNATES THE "MAIL BOXES" LOCATED IN THE JUDGE'S OFFICE AS A SUITABLE PLACE FOR SERVICE OF PLEADINGS UPON ATTORNEYS WHO HAVE SUCH BOXES.~~
- 10.6 ~~IF A PLEADING REQUIRES A CERTIFICATE OF SERVICE, THE CERTIFICATE SHALL SPECIFICALLY NAME THE INDIVIDUAL PARTY OR ATTORNEY ON WHOM SERVICE HAS BEEN MADE, THE ADDRESS, IN WHAT MANNER THE SERVICE WAS MADE, AND THE DATE UPON WHICH SERVICE WAS MADE.~~

- 10.7 ~~COURT PERSONNEL SHALL NOT BE RESPONSIBLE FOR THE FILING OF PLEADINGS BY MAIL, EXCEPT CERTIFIED OR REGISTERED. IF THE DOCUMENTS RECEIVED BY MAIL ARE NOT IN PROPER FORM AS SET FORTH BY THE INDIANA RULES OF PROCEDURE AND THESE RULES OF COURT, SUCH DOCUMENTS WILL BE SHOWN AS RECEIVED BUT THE DEFICIENCIES WILL NOT BE CORRECTED BY COURT PERSONNEL AND NO FURTHER PROCESSING OF THE DOCUMENTS BY THE COURT WILL TAKE PLACE. HOWEVER, WHENEVER POSSIBLE, COURT PERSONNEL WILL NOTIFY COUNSEL OF RECORD OF DEFICIENCIES IN FILINGS.~~
- 10.8 ~~CLERK'S OFFICE AND COURT OFFICE PERSONNEL ARE TO FILE MARK ALL PLEADINGS THAT ARE FILED IN THE CLERK'S OFFICE. ATTORNEYS AND SECRETARIES ARE NOT TO BE ALLOWED TO FILE MARK ANY PLEADINGS FILED.~~
- 10.9 ~~THE COURT APPOINTS JUDGE SALLY GRAY, PUTNAM COUNTY COURT AND JUDGE DIANA LAVIOLETTE, PUTNAM CIRCUIT COURT, TO SERVE AS JUDGE PRO TEMPORE WHEN THE PRESIDING JUDGE IS UNAVAILABLE TO ANSWER ANY QUESTIONS, TO SIGN EMERGENCY DETENTION ORDERS, SEARCH WARRANTS OR ANY OTHER ASSISTANCE. SHOULD JUDGE GRAY AND JUDGE LAVIOLETTE BE UNAVAILABLE CONTACT A MEMBER OF THE PARKE CIRCUIT COURT STAFF FOR FURTHER ASSISTANCE. FOR ANY DOCUMENTS FOR WHICH A SIGNATURE IS NECESSARY IT WILL BE REQUIRED TO TRANSPORT SAID DOCUMENTS TO PUTNAM COUNTY.~~
- 10.10 ~~THE SHERIFF OF PARKE COUNTY HAS THE DISCRETION, UNDER CIRCUMSTANCES HE DEEMS APPROPRIATE, IN MISDEMEANOR OFFENSES, TO RELEASE A DEFENDANT ON HIS OR HER OWN RECOGNIZANCE, AND HAS THE DISCRETION UPON THE APPROVAL BY THE JUDGE OF THE PARKE CIRCUIT COURT IN SECOND OFFENSE DUI OFFENSES TO RELEASE A DEFENDANT ON HIS OR HER OWN RECOGNIZANCE, BUT UNDER NO CIRCUMSTANCES SHALL A DEFENDANT CHARGED WITH AN ALCOHOL RELATED OFFENSE BE RELEASED BEFORE HIS OR HER BLOOD ALCOHOL LEVEL IS LESS THAN .10% PURSUANT TO I.C. 35-33-1-6.~~

- 10.11 ALL PRISONERS BROUGHT BEFORE THE COURT SHALL REMAIN HANDCUFFED UNLESS INSTRUCTED TO REMOVE THE HANDCUFFS. IF THERE IS ONLY ONE PRISONER, THE PARKE COUNTY SHERIFF'S DEPARTMENT SHALL STAY WITH THE PRISONER THROUGH ALL PROCEEDINGS. IF THERE IS MORE THAN ONE PRISONER, THE PARKE COUNTY SHERIFF'S DEPARTMENT SHALL STAY WITH PRISONERS AWAITING COURT IN THE PRISONER HOLDING AREA UNTIL ALL PRISONERS HAVE BEEN THROUGH COURT. THE COURT SECURITY OFFICER WILL BE RESPONSIBLE FOR TAKING PRISONERS BACK AND FORTH TO COURT FROM THE PRISONER HOLDING AREA. ALL PRISONERS SHALL REMAIN HANDCUFFED, AND HIGH RISK PRISONERS SHALL BE IN LEG IRONS. WHILE PRISONERS ARE PRESENT FOR COURT THERE WILL BE NO ATTORNEY CONFERENCES OR VISITS WITH FAMILY MEMBERS OR FRIENDS. ATTORNEY CONFERENCES SHALL BE HELD OVER IN THE PARKE COUNTY JAIL, AND VISITATION SHALL BE HELD DURING NORMAL JAIL VISITING HOURS.
- 10.12 ALL PRISONERS SHALL BE ESCORTED UP THE BACK STAIRWAY TO AND FROM COURT AND NOT BE BROUGHT UP THE ELEVATOR WHERE THEY WILL HAVE CONTACT WITH THE GENERAL PUBLIC AND BE TAKEN THROUGH THE JUDGE'S OFFICE.
- 10.13 IN THE EVENT A CHANGE OF JUDGE IS GRANTED OR IT BECOMES NECESSARY TO ASSIGN ANOTHER JUDGE IN ANY FELONY OR MISDEMEANOR PROCEEDING IN THE PARKE CIRCUIT COURT, THE FOLLOWING INDIVIDUALS HAVE AGREED TO SERVE: THE HONORABLE JUDGE DIANA LAVIOLETTE, THE HONORABLE JUDGE SALLY GRAY, AND THE HONORABLE BRUCE STENGEL. BY ORDER OF ADOPTION OF THESE RULES, THE INDIANA SUPREME COURT, PURSUANT TO I.C. 33-2-1-7-8 TEMPORARILY TRANSFERS THE ABOVE JUDGES TO THE PARKE CIRCUIT COURT FOR THE PURPOSE OF REASSIGNMENT OF FELONY AND MISDEMEANOR CASES.
- IN THE EVENT IT BECOMES NECESSARY TO REASSIGN A FELONY OR MISDEMEANOR CASE, THE JUDGES WILL BE REASSIGNED IN CONSECUTIVE ORDER.

IN THE EVENT NO JUDGE IS AVAILABLE FOR ASSIGNMENT OR REASSIGNMENT OF A FELONY OR MISDEMEANOR CASE, SUCH CASE SHALL BE CERTIFIED TO THE INDIANA SUPREME COURT FOR THE APPOINTMENT OF A SPECIAL JUDGE. IN THE EVENT THE JUDGE PRESIDING IN A FELONY OR MISDEMEANOR CASE CONCLUDED THAT THE UNIQUE CIRCUMSTANCES PRESENTED IN SUCH PROCEEDING REQUIRE APPOINTMENT BY THE INDIANA SUPREME COURT OF A SPECIAL JUDGE, THIS PRESIDING JUDGE MAY REQUEST THE INDIANA SUPREME COURT FOR SUCH APPOINTMENT.

LOCAL RULE 11

PROBATE RULES

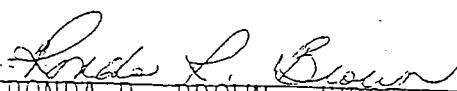
- 11.1 WHENEVER NOTICE BY PUBLICATION AND/OR WRITTEN NOTICE BY U. S. MAIL IS REQUIRED TO BE GIVEN, THE ATTORNEY SHALL PREPARE SUCH NOTICE AND SHALL ENSURE THAT SUCH NOTICE IS PROPERLY PUBLISHED AND/OR SERVED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IN ALL RESPECTS, THE NOTICE SHALL COMPLY WITH ALL STATUTORY REQUIREMENTS. IT SHALL BE THE ATTORNEY'S RESPONSIBILITY TO ASCERTAIN AND PROVIDE ADEQUATE PROOF THEREOF REGARDING WHETHER NOTICE WAS PROPERLY SERVED PRIOR TO BRINGING A MATTER TO THE COURT.
- 11.2 COPIES OF PETITIONS SHALL BE SENT WITH ALL NOTICES WHERE THE HEARING INVOLVED ARISES FROM THE MATTERS CONTAINED IN THE PETITION.
- 11.3 NOTICE OF THE OPENING OF AN ESTATE SHALL BE SENT BY FIRST CLASS UNITED STATES MAIL TO ALL READILY ASCERTAINABLE CREDITORS, HOWEVER, THE USE OF CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO SERVE SUCH NOTICE IS RECOMMENDED.
- 11.4 NOTICE OF THE HEARING TO BE HELD ON A PETITION TO DETERMINE AN ESTATE INSOLVENT SHALL BE SERVED ON ALL INTERESTED PARTIES, INCLUDING THE LOCAL REPRESENTATIVE OF THE INHERITANCE TAX DIVISION OF THE INDIANA DEPARTMENT OF REVENUE.

LOCAL RULE 12

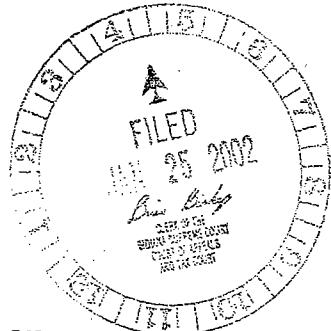
OPERATION OF THE PARKE CIRCUIT COURT

- 12.1 THE JUDGE WILL BE UNAVAILABLE FOR CONSULTATION WITHOUT PRIOR SCHEDULING OR WITHOUT FIRST CHECKING WITH THE COURT PERSONNEL AS TO AVAILABILITY.
- 12.2 THE PRIOR OFFICES LOCATED EXTERIOR TO THE COURT ROOM WILL BE DESIGNATED AS SECURITY/PROBATION/VISITING JUDGE'S OFFICES AND WILL NOT BE CONFERENCE ROOMS.
- 12.3 THE COURT LIBRARY WILL BE LOCATED AT THE END OF THE HALL DOWN FROM THE CLERK'S OFFICE FOR THE LOCAL BAR TO BE USED AS A CONFERENCE ROOM. IN ADDITION THEY MAY USE THE JURY ROOM AS A CONFERENCE ROOM IF IT IS AVAILABLE.
- 12.4 THE COURT WILL NOT ALLOW CONFERENCES TO BE HELD IN ANY OF THE DESIGNATED COURT OFFICES OTHER THAN IN THE TWO CONFERENCE ROOMS LISTED ABOVE.
- 12.5 THE LAW BOOKS IN THE JUDGE'S OFFICE ARE FOR THE SOLE AND EXCLUSIVE USE OF THE JUDGE, AS THE ATTORNEYS HAVE AVAILABLE TO THEM THE COURT LIBRARY. ATTORNEYS SHALL EXERCISE THE PROPER CARE OF THE COURT LIBRARY AS ANY MISSING BOOKS OR POCKET PARTS WILL NOT BE REPLACED.
- 12.6 THERE WILL BE NO FOOD, DRINK, SMOKING OR SPITTING ALLOWED IN THE COURT OFFICES.

ALL OF WHICH WAS ORDERED THIS 8TH DAY OF JUNE, 1995.


HON. RONDA R. BROWN, JUDGE
PARKE CIRCUIT COURT
PARKE COUNTY, INDIANA

AMENDED
LOCAL RULE 13



THE UNDERSIGNED COURT COMPRIMES ALL OF THE COURTS OF RECORD OF PARKE COUNTY, INDIANA AND HEREBY ADOPTS THE FOLLOWING LOCAL RULE BY WHICH COURT REPORTER SERVICES SHALL BE GOVERNED.

SECTION ONE. DEFINITIONS. THE FOLLOWING DEFINITIONS SHALL APPLY UNDER THIS LOCAL RULE:

- (1) **A COURT REPORTER** IS A PERSON WHO IS SPECIFICALLY DESIGNATED BY A COURT TO PERFORM THE OFFICIAL COURT REPORTING SERVICES FOR THE COURT INCLUDING PREPARING A TRANSCRIPT OF THE RECORD.
- (2) **EQUIPMENT** MEANS ALL PHYSICAL ITEMS OWNED BY THE COURT OR OTHER GOVERNMENTAL ENTITY AND USED BY A COURT REPORTER IN PERFORMING COURT REPORTING SERVICES. EQUIPMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, TELEPHONES, COMPUTER HARDWARE, SOFTWARE PROGRAMS, DISKS, TAPES, AND ANY OTHER DEVICE USED FOR RECORDING AND STORING, AND TRANSCRIBING ELECTRONIC DATA.
- (3) **WORK SPACE** MEANS THAT PORTION OF THE COURT'S FACILITIES DEDICATED TO EACH COURT REPORTER, INCLUDING BUT NOT LIMITED TO ACTUAL SPACE IN THE COURTROOM AND ANY DESIGNATED OFFICE SPACE.
- (4) **PAGE** MEANS THE PAGE UNIT OF TRANSCRIPT WHICH RESULTS WHEN A RECORDING IS TRANSCRIBED IN THE FORM REQUIRED BY INDIANA RULE OF APPELLATE PROCEDURE 7.2.
- (5) **RECORDING** MEANS THE ELECTRONIC, MECHANICAL, STENOGRAPHIC OR OTHER RECORDING MADE AS REQUIRED BY INDIANA RULE OF TRIAL PROCEDURE 74.
- (6) **REGULAR HOURS WORKED** MEANS THOSE HOURS WHICH THE COURT IS REGULARLY SCHEDULED TO WORK DURING ANY GIVEN WORK WEEK. DEPENDING ON THE PARTICULAR COURT, THESE HOURS MAY VARY FROM COURT TO COURT WITHIN THE COUNTY BUT REMAIN THE SAME FOR EACH WORK WEEK.

- (7) **GAP HOURS WORKED** MEANS THOSE HOURS WORKED THAT ARE IN EXCESS OF THE REGULAR HOURS WORKED BUT HOURS NOT IN EXCESS OF FORTY (40) HOURS PER WORK WEEK.
- (8) **OVERTIME HOURS WORKED** MEANS THOSE HOURS WORKED IN EXCESS OF FORTY (40) HOURS PER WORK WEEK.
- (9) **WORK WEEK** MEANS A SEVEN (7) CONSECUTIVE DAY WEEK THAT CONSISTENTLY BEGINS AND ENDS ON THE SAME DAYS THROUGHOUT THE YEAR; I.E. SUNDAY THROUGH SATURDAY, WEDNESDAY THROUGH TUESDAY, FRIDAY THROUGH THURSDAY.
- (10) **COURT** MEANS THE PARTICULAR COURT FOR WHICH THE COURT REPORTER PERFORMS SERVICES. COURT MAY ALSO MEAN ALL OF THE COURTS IN PARKE COUNTY.
- (11) **COUNTY INDIGENT TRANSCRIPT** MEANS A TRANSCRIPT THAT IS PAID FOR FROM COUNTY FUNDS AND IS FOR THE USE ON BEHALF OF A LITIGANT WHO HAS BEEN DECLARED INDIGENT BY A COURT.
- (12) **STATE INDIGENT TRANSCRIPT** MEANS A TRANSCRIPT THAT IS PAID FOR FROM STATE FUNDS AND IS FOR THE USE ON BEHALF OF A LITIGANT WHO HAS BEEN DECLARED INDIGENT BY A COURT.
- (13) **PRIVATE TRANSCRIPT** MEANS A TRANSCRIPT, INCLUDING BUT NOT LIMITED TO A DEPOSITION TRANSCRIPT, THAT IS PAID FOR BY A PRIVATE PARTY.

SECTION TWO. SALARIES AND PER PAGE FEES.

- (1) COURT REPORTERS SHALL BE PAID AN ANNUAL SALARY FOR TIME SPENT WORKING UNDER THE CONTROL, DIRECTION AND DIRECT SUPERVISION OF THEIR SUPERVISING COURT DURING ANY REGULAR WORK HOURS, GAP HOURS OR OVERTIME HOURS. THE SUPERVISING COURT SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE COURT REPORTERS WHICH OUTLINES THE MANNER IN WHICH THE COURT REPORTER IS TO BE COMPENSATED FOR GAP AND OVERTIME HOURS; I.E. MONETARY COMPENSATION OR COMPENSATORY TIME OFF REGULAR WORK HOURS.

- (2) THE MAXIMUM PER PAGE FEE A COURT REPORTER MAY CHARGE FOR THE PREPARATION OF A COUNTY INDIGENT TRANSCRIPT SHALL BE \$3.00; THE COURT REPORTER SHALL SUBMIT A CLAIM DIRECTLY TO THE COUNTY FOR THE PREPARATION OF ANY COUNTY INDIGENT TRANSCRIPTS.
- (3) THE MAXIMUM PER PAGE FEE A COURT REPORTER MAY CHARGE FOR THE PREPARATION OF A STATE INDIGENT TRANSCRIPT SHALL BE \$3.00.
- (4) THE MAXIMUM PER PAGE FEE A COURT REPORTER MAY CHARGE FOR THE PREPARATION OF A PRIVATE TRANSCRIPT SHALL BE \$3.00.
- (5) A MAXIMUM PER PAGE FEE FOR AN EXPEDITED TRANSCRIPT SHALL BE SET AT \$6.00 PER PAGE. IF THE COURT REPORTER IS REQUESTED TO PREPARE AN EXPEDITED TRANSCRIPT, THE MAXIMUM PER PAGE FEE SHALL BE \$6.00 WHERE THE TRANSCRIPT MUST BE PREPARED WITHIN 24 HOURS OR LESS; \$4.50 WHERE THE TRANSCRIPT MUST BE PREPARED WITHIN THREE WORKING DAYS.
- (6) EACH COURT REPORTER SHALL REPORT, AT LEAST ON AN ANNUAL BASIS, ALL TRANSCRIPT FEES RECEIVED FOR THE PREPARATION OF EITHER COUNTY INDIGENT, STATE INDIGENT OR PRIVATE TRANSCRIPTS TO THE INDIANA SUPREME COURT DIVISION OF STATE COURT ADMINISTRATION. THE REPORTING SHALL BE MADE ON FORMS PRESCRIBED BY THE DIVISION OF STATE COURT ADMINISTRATION.
- (7) THE COURT REPORTER WILL NOT CHARGE A FEE FOR A COPY OF A STATE OR COUNTY INDIGENT TRANSCRIPT.
- (8) THE CHARGE FOR A COPY OF A PRIVATE TRANSCRIPT WILL BE \$1.75 PER PAGE PAYABLE TO THE TREASURER OF PARKE COUNTY TO BE DEPOSITED IN THE COUNTY GENERAL FUND.

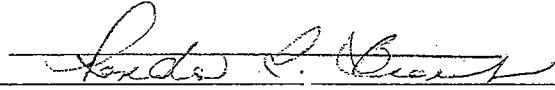
SECTION THREE. PRIVATE PRACTICE.

- (1) IF A COURT REPORTER ELECTS TO ENGAGE IN PRIVATE PRACTICE THROUGH THE RECORDING OF A DEPOSITION AND/OR PREPARING OF A DEPOSITION TRANSCRIPTS, AND THE COURT REPORTER DESIRES TO UTILIZE THE COURT'S EQUIPMENT, WORK SPACE AND SUPPLIES, THE COURT AGREES TO THE USE OF THE COURT EQUIPMENT FOR SUCH PURPOSES, THE COURT AND COURT REPORTER SHALL ENTER INTO A WRITTEN AGREEMENT WHICH MUST, AT A

MINIMUM, DESIGNATE THE FOLLOWING:

- (a) THE REASONABLE MARKET RATE FOR THE USE OF EQUIPMENT, WORK SPACE AND SUPPLIES.
 - (b) THE METHOD BY WHICH RECORDS ARE TO BE KEPT FOR THE USE OF EQUIPMENT, WORK SPACE AND SUPPLIES; AND
 - (c) THE METHOD BY WHICH THE COURT REPORTER IS TO REIMBURSE THE COURT FOR THE USE OF THE EQUIPMENT, WORK SPACE AND SUPPLIES.
- (2) IF A COURT REPORTER ELECTS TO ENGAGE IN PRIVATE PRACTICE THROUGH THE RECORDING OF A DEPOSITION AND\OR PREPARING OF A DEPOSITION TRANSCRIPT, ALL SUCH PRIVATE PRACTICE WORK SHALL BE CONDUCTED OUTSIDE OF REGULAR WORKING HOURS.

~~ADOPTED AT PARKE COUNTY, INDIANA, THIS 14th DAY~~
~~OF JANUARY, 2002.~~



HON. RONDA R. BROWN, JUDGE
PARKE CIRCUIT COURT